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APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 12/20/2022

Defendant shall file their motion to dismiss by December 30, 2022. The Clerk of Court is respectfully directed to terminate the motion at Doc. 14.

VIA ECF

Hon. Vernon S. Broderick, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

Re: Senior v. Keep Healthy, Inc.
Case No. 22-cv-7064 (VSB) (JW)

Dear Judge Broderick:

We represent defendant Keep Healthy, Inc., in the above-referenced case, and we submit this letter in response to the Court's Order of December 12, 2022.

As the Court may recall, defendant had filed a motion to dismiss the original complaint in this case, and in response, the plaintiff filed an amended complaint. Your Honor instructed us to submit a letter stating whether defendant wished to rest on its original motion to dismiss, or whether the Court should deny that motion as moot without prejudice to filing a new motion to dismiss the amended complaint.

Based upon defendant's review of the amended complaint, defendant believes that it obviated some but not all of defendant's original motion to dismiss. In addition, there have been some legal developments since defendant's initial motion was filed. Therefore, defendant believes that it makes sense to file a new, streamlined motion to dismiss, rather than relying on its previous motion.

We thank the Court for its attention to this matter and are available at Your Honor's convenience should the Court have any questions regarding the foregoing

Respectfully submitted,



David Stein

cc: Jeffrey M. Gottlieb, Esq. (via ECF)